

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTENTION:

In re Application of :

BOX: MISSING PARTS

Eberhard Nieschlag et al.

Group Art Unit 3764

Serial No.: 09/764,149

Examiner: Unassigned

Filed: January 19, 2001

For: MALE CONTRACEPTIVE FORMULATION COMPRISING NORETHISTERONE

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

In response to the Notice to File Missing Parts dated March 2, 2001:

- ☒ Attached is a Declaration and Power of Attorney in compliance with 37 CFR § 1.53 along with the late filing surcharge of \$130.00
- ☒ Applicants include the filing fee of \$710.00.
- ☒ Applicants include the extra claims fee of \$ 1,208 for 36 claims in excess of 20 \$18 per additional claim and/or for 7 independent claims in excess of 3 \$80 per additional claim.
- ☒ Applicants include an executed assignment and Recordation Form Cover Sheet with the recordation fee of \$40.00 (Check No. 21010).
- ☒ Attached is a copy of the Notice to File Missing Parts.
- ☒ Applicants request that the time for taking action in this case be extended pursuant to 37 CFR 1.136(a) for a period of two months along with the fee of \$390.00.
- ☐ Applicant(s) are entitled to small entity status.
- ☐ Attached is a verified English translation of the language text filed on along with the fee of \$130.00.
- ☒ Attached is a Clarification of Priority Claim.

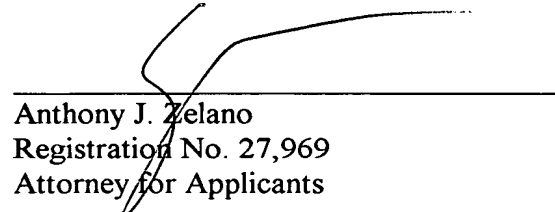
07/06/2001 HBELETE1 00000039 09764149

05 FC:116

390.00 DP

Attached is a check in the amount of \$2,438.00. However, the Commissioner is hereby authorized to charge fees under 37 CFR § 1.16 and § 1.17 which may be required to facilitate this filing, or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



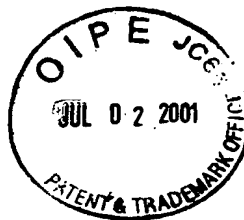
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Anthony J. Zelano  
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Attorney for Applicants

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Arlington, Virginia 22201  
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Attorney Docket No.: PLOVIN-3A

Date: July 2, 2001



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

Eberhard Nieschlag et al.

Examiner:

Serial No.: 09/764,149

Group Art Unit:

Filed: January 19, 2001

Title: MALE CONTRACEPTIVE FORMULATION COMPRISING  
NORETHISTERONE

**CLARIFICATION OF PRIORITY CLAIM**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

To the extent there is any efficacy to priority claims made in the accompanying declaration, these are hereby withdrawn.

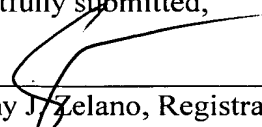
The correct priority claim with respect to the provisional application is contained in the first sentence of the application as added in the Preliminary Amendment of January 19, 2001. (The priority date identified in the provisional application box of the declaration is erroneous.)

There is no proper claim of benefit under 35 U.S.C. § 120 to any application. The identity of the application 09/503,729 mentioned in the § 120 priority box in the declaration is also clearly erroneous. This application no longer exists, having been converted to the mentioned provisional application.

It is assumed that the declaration is proper since these errors are clearly of a formalistic nature. However, should the PTO desire a substitute declaration, applicants would be happy to comply.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

  
\_\_\_\_\_  
Anthony J. Zelano, Registration No. 27,969  
Attorney for Applicant(s)

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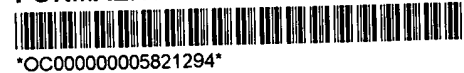


Page 1 of 1  
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Commissioner for Patents  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20531  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/764,149	01/19/2001	Eberhard Nieschlag	PLOVIN-3A

CONFIRMATION NO. 8178

FORMALITIES LETTER



\*OC000000005821294\*

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
Arlington Courthouse Plaza I  
2200 Clarendon Boulevard, Suite 1400  
Arlington, VA 22201

Date Mailed: 03/02/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$1208.
  - \$648 for 36 total claims over 20.
  - \$560 for 7 independent claims over 3 .
- The oath or declaration is missing.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 2048.

*A copy of this notice MUST be returned with the reply.*

NK  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

09/02/2001 13:01:11 00000039 09764149  
710.00 0P 0P 0P 0P  
560.00 0P 0P 0P 0P  
648.00 0P 0P 0P 0P  
130.00 0P 0P 0P 0P